

1 **STATE OF IOWA**
2 **BOARD OF EDUCATIONAL EXAMINERS**
3 **Grimes State Office Building – 400 East 14th Street**
4 **Des Moines, Iowa 50319-0147**

5
6 **Minutes**

7
8 **February 5, 2009**
9

10 The Board of Educational Examiners held its monthly meeting on February 5,
11 2009. Board Chair, Judy Jeffrey, called the meeting to order. Members attending
12 were John Aboud, Ying Ying Chen, Brad Dirks, Jeffrey Henderson, Merle Johnson,
13 Tom Paulsen, Greg Robinson, Jean Seeland, Bev Smith and Laura Stevens. Also in
14 attendance were Dr. George Maurer, Executive Director of the Board and Julie
15 Bussanmas, Assistant Attorney General. Tammy Duehr was unable to attend.
16

17 Merle Johnson moved, with a second by Bev Smith, to approve the agenda.
18 **MOTION CARRIED UNANIMOUSLY.**
19

20 Merle Johnson moved, with a second by Bev Smith, to approve the consent agenda
21 consisting of the minutes of the December 5, 2008, board meeting. The minutes
22 were approved. The adoption of rules [Iowa Administrative Code – Chapter 282
23 (272)] to amend Chapter 22 Authorizations was also approved. **MOTION CARRIED**
24 **UNANIMOUSLY.**
25

26 Jean Seeland moved, with a second by Ying Ying Chen , that the Board go into
27 closed session for the purposes of discussing whether to initiate licensee
28 disciplinary proceedings and discussing the decision to be rendered in a contested
29 case, pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f). **MOTION**
30 **CARRIED UNANIMOUSLY.**
31

32 Ying Ying Chen moved, with a second by Jean Seeland, that in **case number 08-**
33 **97**, the Board find probable cause to establish a violation of the following

1 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(1)c, d,
2 e(4) and order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

3
4 Jean Seeland moved, with a second by Ying Ying Chen, that in **case number 08-**
5 **99**, the Board find that, although one or more of the allegations in the complaint
6 may be substantiated by the witnesses interviewed in the course of the
7 investigation [and/or] the documents gathered in the course of the investigation,
8 and the allegations may constitute a technical violation of the board's statute or
9 administrative rules; the evidence before the board indicates that : *adequate steps*
10 *have been taken to remedy the violation and to ensure that incidents of a similar*
11 *nature do not occur in the future.* Taking into account these circumstances, and the
12 Board's mission to act upon those complaints which involve a threat to the health
13 and safety of students and the public, the Board will not pursue formal disciplinary
14 action in this matter. **MOTION CARRIED UNANIMOUSLY.**

15
16 Laura Stevens moved, with a second by Jean Seeland, that in **case number 08-**
17 **100**, while the Board is concerned about the allegations, it finds that the evidence
18 gathered in the investigation, including witness statements and the documentary
19 evidence does not rise to the level necessary to take action against the licensee.
20 The Board therefore lacks probable cause to proceed with this matter. Roll call
21 vote: Aboud-no, Chen=yes, Dirks=yes, Henderson=no, Jeffrey=yes, Johnson=yes,
22 Paulsen=yes, Robinson=no, Seeland=yes, Smith=no, Stevens=yes. **MOTION**
23 **CARRIED.**

24
25 Ying Ying Chen moved, with a second by Laura Stevens, that in **case number 08-**
26 **101**, while the Board is concerned about the allegations, it finds that the evidence
27 gathered in the investigation, including witness statements and the documentary
28 evidence does not rise to the level necessary to take action against the licensee.
29 The Board therefore lacks probable cause to proceed with this matter. **MOTION**
30 **CARRIED UNANIMOUSLY.**

31
32 Jean Seeland moved, with a second by Ying Ying Chen, that in **case number 08-**
33 **102**, the Board find that, although one or more of the allegations in the complaint

1 may be substantiated by the witnesses interviewed in the course of the
2 investigation [and/or] the documents gathered in the course of the investigation,
3 and the allegations may constitute a technical violation of the board's statute or
4 administrative rules; the evidence before the board indicates that : *the alleged*
5 *violation was an isolated incident.* Taking into account these circumstances, and
6 the Board's mission to act upon those complaints which involve a threat to the
7 health and safety of students and the public, the Board will not pursue formal
8 disciplinary action in this matter. **MOTION CARRIED UNANIMOUSLY.**

9
10 Laura Stevens moved, with a second by Ying Ying Chen, that in **case number 08-**
11 **103**, the Board return the complaint and investigative report to the investigator to
12 gather further information regarding classroom conduct and return the case to the
13 Board for further consideration. Roll call vote: Aboud-no, Chen-yes, Dirks-yes,
14 Henderson-yes, Jeffrey-yes, Johnson-yes, Paulsen-yes, Robinson-yes, Seeland-
15 recused, Smith-recused, Stevens-yes. **MOTION CARRIED.**

16
17 Ying Ying Chen moved, with a second by Jean Seeland, that in **case number 08-**
18 **104**, the Board return the complaint and investigative report to the investigator to
19 gather further information regarding the county attorney's investigation and return
20 the case to the Board for further consideration. **MOTION CARRIED**
21 **UNANIMOUSLY.**

22
23 Jean Seeland moved, with a second by Ying Ying Chen, that in **case number 08-**
24 **105**, the Board find probable cause to establish a violation of the following
25 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(4)a-e, and
26 order this case set for hearing. **MOTION CARRIED UNANIMOUSLY.**

27
28 Laura Stevens moved, with a second by Jean Seeland, that in **case number**
29 **08-109**, the Board find probable cause to establish a violation of the
30 following provisions of the Code of Professional Conduct and Ethics, 282 IAC
31 25.3(1)e, and order this case set for hearing. **MOTION CARRIED**
32 **UNANIMOUSLY.**

1 Ying Ying Chen moved, with a second by Laura Stevens, that in case
2 number 08-110, the Board find probable cause to establish a violation of
3 the following provisions of the Code of Professional Conduct and Ethics, 282
4 IAC 25.3(5)a(3), and order this case set for hearing. **MOTION CARRIED**
5 **UNANIMOUSLY.**

6
7 Jean Seeland moved, with a second by Laura Stevens that in case number
8 07-30, Hadzic, the Board accepts the proposed decision with the following
9 modifications strike the second and third paragraphs under Part II. Analysis
10 C. Applicability of 281 IAC 36.15(2)(h) to Coaches and a sanction be imposed
11 based. A letter of reprimand shall be imposed. Roll call vote: Aboud-yes,
12 Chen-yes, Dirks-yes, Henderson-recused, Jeffrey-no, Johnson-yes, Paulsen-
13 yes, Robinson-yes, Seeland-yes, Smith-yes, Stevens-yes. **MOTION**
14 **CARRIED.**

15
16 Ying Ying Chen moved, with a second by Laura Stevens, that in case
17 number 08-11, Guerrero, the Board not initiate review of the proposed
18 decision and allow the proposed decision to become the final decision of the
19 Board unless an appeal is taken by one of the parties within the time allowed
20 by rule. Roll call vote: Aboud-yes, Chen-yes, Dirks-yes, Henderson-recused,
21 Jeffrey-yes, Johnson-yes, Paulsen-yes, Robinson-yes, Seeland-yes, Smith-
22 yes, Stevens-yes. **MOTION CARRIED.**

23
24 Jean Seeland moved, with a second by Ying Ying Chen, that in case number
25 08-18, the Board accept the district court's decision and follow the
26 guidelines provided in the decision in case number 08-18. **MOTION**
27 **CARRIED UNANIMOUSLY.**

28
29 Laura Stevens moved, with a second by Ying Ying Chen, that in case number 06-
30 27, the Board accept the stipulation and settlement submitted by the parties, and
31 issue an Order incorporating the agreement of the parties and imposing the agreed
32 upon sanction. Roll call vote: Aboud-yes, Chen-yes, Dirks-yes, Henderson-yes,

1 Jeffrey-yes, Johnson-yes, Paulsen-yes, Robinson-yes, Seeland-recused, Smith-
2 recused, Stevens-yes. **MOTION CARRIED.**

3
4 Jean Seeland moved, with a second by Laura Stevens, that in **case number**
5 **08-08**, the Board accept the stipulation and settlement submitted by the
6 parties, and issue an Order incorporating the agreement of the parties and
7 imposing the agreed upon sanction. **MOTION CARRIED UNANIMOUSLY.**

8
9 Ying Ying Chen moved, with a second by Laura Stevens, that in **case number 08-**
10 **93**, the Board accept the stipulation and settlement submitted by the parties, and
11 issue an Order incorporating the agreement of the parties and imposing the agreed
12 upon sanction. **MOTION CARRIED UNANIMOUSLY.**

13
14 Jean Seeland moved, with a second by Ying Ying Chen, that in **case numbers 07-38,**
15 **the Board accept** the Respondent's waiver of hearing and voluntary surrender and
16 that the Board issue an order permanently revoking the Respondent's license with no
17 possibility of reinstatement. Roll call vote: Aboud-yes, Chen-yes, Dirks-yes,
18 Henderson-recused, Jeffrey-yes, Johnson-yes, Paulsen-yes, Robinson-yes, Seeland-
19 yes, Smith-yes, Stevens-yes. **MOTION CARRIED.**

20
21 **Board Reports:**

22 Brad Dirks reported that he was in Cambodia for two weeks and shared
23 information regarding what he learned about their education system.

24
25 Greg Robinson thanked staff for all their hard work to set up/organize for
26 the Legislative Reception (at the Capitol) which took place prior to the board
27 meeting.

28
29 **Public Comment:**

30 There were no public comments.

1 Executive Director's Report:

2 Dr. Maurer presented the "tentative agenda" for the June Retreat which will take
3 place at the Grand River Center & Grand Harbor Resort in Dubuque. The retreat is
4 scheduled for June 11-12.

5
6 Dr. Maurer stated that this will be the 20th year of the Board's existence. He asked
7 the Board if there is anything we should do as far a special reception; prepare a
8 PR/historical piece, etc. Dr. Maurer suggested taking one hour from an upcoming
9 board meeting, either before or after, and invite people (including former board
10 members) to a reception. He will put together something and present it to the
11 Board at an upcoming meeting.

12
13 The Legislation Reception took place prior to the board meeting. Dr. Maurer asked
14 the Board for their thoughts regarding future receptions. Suggestions: Begin the
15 reception later in the morning--7:30-8:00 am; have board members send a note to
16 their representatives to strengthen connections; share with legislators our financial
17 information from the past and look at the trend as to why we have funds now and
18 won't anticipate having them in the future due to changes in statute.

19
20 Legislative Update – Permanent Substitute License has been presented by Rep.
21 Kaufmann. Dr. Maurer expressed concern that the registries would not be checked
22 if renewals would cease. Based on research of our data, the minimum impact
23 would be \$32,000/yr for teachers who apply for a substitute license and would not
24 have to renew it in the future.

25
26 Dr. Maurer presented his financial report.

27
28 We will be partnering with ISEA regarding an ethics program that we would offer in
29 the future meeting the Board's guidelines.

30
31 Dr. Maurer updated the board on the portfolio process. Interviews will begin in the
32 coming weeks to hire two consultants who will research/evaluate out-of-state

1 applicants to determine if they meet the same high standards of an in-state
2 applicant.

3
4 A letter was received from the Iowa Athletic Trainers' Society requesting a
5 Statement of Professional Recognition (SPR) for licensed athletic trainers working in
6 secondary schools to be added to the list of health care professionals in 282-
7 16.1(272). Dr. Maurer asked the Board if this is something they want to consider,
8 and if so, he would add it to next month's agenda. The Board has requested more
9 information and asked that this be discussed at an upcoming meeting.

10
11 Notebooks were distributed to board members which included the latest statutes
12 and rules.

13
14 Items for Discussion:

15 The proposed changes to Chapter 25.2 Definitions were discussed and will be
16 brought back to the March meeting for noticing.

17
18 The proposed changes to Chapter 20 Renewals were discussed and will be brought
19 back to the March meeting for noticing.

20
21 The proposed changes to Chapter 13.27(272) Requirements for Middle School
22 Endorsement were discussed. The board requested further discussion on this item.

23
24 The proposed changes to Chapter 13.11 Specific Requirement for a Class B License
25 were discussed and will be brought back to the March meeting for noticing with
26 changes.

27
28 Petitions for Waiver:

29 John Aboud moved, with a second by Jean Seeland, that in **PFW 08-39, PFW 08-**
30 **40, PFW 08-41, PFW 08-42, PFW 08-43, PFW 08-44, PFW 08-45**, Tina Johnson,
31 Chuck Collins, Janice Carter, Joan Zastrox, Kathy Kinzenbaw, Kim Wolfe, Mary
32 Decker, the Board grant the Petition for Waiver. **MOTION CARRIED**

33 **UNANIMOUSLY.**

1 John Aboud moved, with a second by Bev Smith, that in **PFW 09-01**, Rusty
2 Eklund, the Board grant the Petition for Waiver. **MOTION CARRIED**
3 **UNANIMOUSLY.**

4
5 Jeff Henderson moved, with a second by John Aboud, that in **PFW 09-02**, Marci
6 Cordaro, the Board deny the Petition for Waiver. **MOTION CARRIED**
7 **UNANIMOUSLY.**

8
9 Reports:

10 Dr. Maurer reviewed topics discussed during the December 5, 2008 Board Meeting
11 Workshop. Topics included the process for non-renewal or out-of-content for an
12 Iowa licensed teacher and process for an individual who does not have an Iowa
13 License or SPR.

14
15 There being no further business, Judy Jeffrey adjourned the meeting.